

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 91-624-C - ORDER NO. 92-152 ✓  
FEBRUARY 27, 1992

IN RE: Frankie A. O'Cain,	)	
	)	
Complainant,	)	
	)	
vs.	)	ORDER ON
	)	MOTION
Southern Bell Telegraph and	)	
Telephone Company,	)	
	)	
Respondent.	)	
	)	

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This matter comes before the Public Service Commission of South Carolina (the Commission) on the February 21, 1992 Motion of Southern Bell Telephone & Telegraph Company (Southern Bell) to quash the subpoena issued by this Commission for Southern Bell's employee Cliff McElveen for appearance at a hearing in this matter on March 5, 1992. The grounds for this Motion are that the witness is in the process of being relocated to Australia with Bell South, and that the date he must report to his new location is February 28, 1992, which is prior to the date for this hearing. Southern Bell states that according to the Complainant, Frankie A. O'Cain (O'Cain), all facts known to Mr. McElveen are known another employee, Carl Berry, who could be substituted for Cliff McElveen. Based on these grounds, Southern Bell moves to quash the subpoena of Cliff McElveen. The Commission has considered the matter

carefully and concludes that the Motion to Quash should be granted under the following conditions:

1. Mr. O'Cain shall have the option of taking the deposition de bene esse of Cliff McElveen on Thursday, February 27th or Friday, February 28th , or in the alternative, O'Cain may allow Carl Berry, at his option, to take Cliff McElveen's place at the hearing coming up on March 5, 1992.

2. Southern Bell must waive Notice of Deposition and at O'Cain's option, allow O'Cain at Southern Bell's expense to take McElveen's deposition de bene esse on Thursday, February 27th or Friday, February 28th, or in the alternative, it may produce Cliff McElveen at the hearing on this matter on March 5, 1992.

This Order shall remain in full force and effect until further Order of the Commission.

IT IS SO ORDERED.

  
Chairman

ATTEST:

  
Executive Director

(SEAL)